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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,696	10/08/2003	Joseph D. Rippolone	67,067-002	5878
26096	7590	01/31/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			TRAN, KHOI H	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,696

Applicant(s)

RIPPOLONE, JOSEPH D.

Examiner

Khoi H. Tran

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KHÔI H. TRAN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

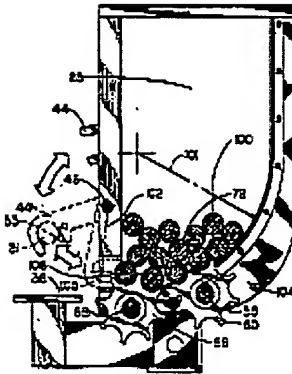
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

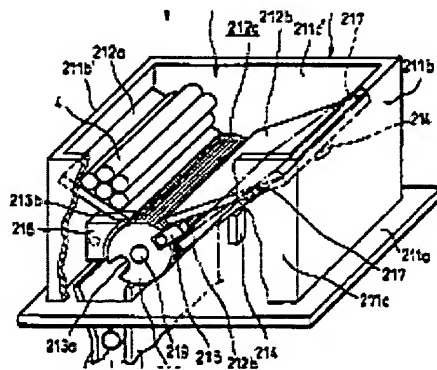
2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Allen 6,074,153.

Allen '153 discloses an automated pipe dispensing chest per claimed invention. The chest comprises rotating dispensing mechanism for dispensing pipes from the enclosure. The rotating dispensing mechanism comprises plurality of U-shaped grooves for holding the pipes (see Figure on next page).



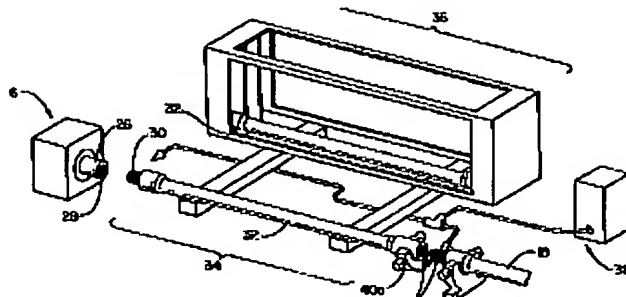
3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuchigami 6,092,977.

Fuchigami discloses a computer controlled storage chest per claimed invention that dispenses predetermined quantity of elongated products.



4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Payne et al. 6,179,065.

Payne '065 discloses an automated pipe handling system. The system comprises an automated dispenser 36 for dispensing pipes 32 to be processed. Once dispensed the pipes are supported by two arms or basket (see Figure below).



Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5, 7, 8, 10-13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen 6,074,153 in view of Boyer et al. 5,907,493.

Allen '153 discloses all elements per claimed invention. However, Allen '153 does not contain a secured computerized network for establishing a predetermined number of dispensing pipes. Allen '153 is also silent as to the specifics of remotely monitoring the dispensing procedures from another location.

Providing a secured computerized network to control predetermined dispensing procedures is commonly well known. Boyer '493 discloses a secured computerized dispensing system. The computerized system allows an authorized user to predetermine an amount of articles to be dispensed. In order to access the system, authorized users must first enter proper identification into the system. The dispensing process is also monitored remotely from the dispensing device.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Allen '153 pipe dispensing device with a secured computerized net work because it facilitates a secured and authorized access into a dispensing system, wherein the number of dispensed articles can be predetermined, as shown by Boyer '493.

In regards to claims 5 and 12, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Allen '153 modified system with a central monitoring computer because it facilitates remote monitoring of dispensing processes, as shown by Boyer '493.

In regards to claim 7, it would have been obvious to provide a keypad to Allen '153 modified dispensing device because providing keypad as input means for a computerized system is commonly well known.

In regards to claim 8, it is obvious that Allen '153 storage chest can be water resistant to a certain degree.

7. Claims 2-5, 7, 8, 10-13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al. 6,179,065 in view of Boyer et al. 5,907,493.

Providing a secured computerized network to control predetermined dispensing procedures is commonly well known. Boyer '493 discloses a secured computerized dispensing system. The computerized system allows an authorized user to predetermine an amount of articles to be dispensed. In order to access the system, authorized users must first enter proper identification into the system. The dispensing process is also monitored remotely from the dispensing device.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Payne '065 pipe dispensing device with a secured computerized net work because it facilitates a secured and authorized access into a dispensing system, wherein the number of dispensed articles can be predetermined, as shown by Boyer '493.

In regards to claims 5 and 12, It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Payne '065 modified system with a central monitoring computer because it facilitates remote monitoring of dispensing processes, as shown by Boyer '493.

In regards to claim 7, it would have been obvious to provide a keypad to Payne '065 modified dispensing device because providing keypad as input means for a computerized system is commonly well known.

In regards to claim 8, it is obvious that Payne '065 storage chest can be water resistant to a certain degree.

In regards to claim 18, it would have been obvious to provide a slope to Payne '065 basket because it facilitates the deposit of dispensed pipes toward the outlet end.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5, 7-13, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

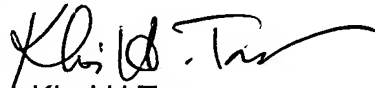
10. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran
Primary Examiner
Art Unit 3651

KHT
01/27/2005